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इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।
Separate paging is given to this Part in order that it may be filed as a separate compilation.

LOK SABHA

The following Bills were introduced in Lok Sabha on the 22nd December, 1971:—

BILL No. 178 OF 1971

A Bill to provide for the proper management of the Sikh Gurdwaras and Gurdwara property in Delhi and for matters connected therewith.

BE it enacted by Parliament in the Twenty-second Year of the Republic of India as follows:—

PART I

PRELIMINARY

1. (1) This Act may be called the Delhi Sikh Gurdwaras Act, 1971. Short title, extent and commencement.

(2) It extends to the whole of the Union territory of Delhi.

(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. In this Act, unless the context otherwise requires,— Definitions.

(a) "appointed day" means the date on which this Act shall come into force;

(b) "Board" means the Delhi Sikh Gurdwara Board constituted under section 3 of the Delhi Sikh Gurdwaras (Management) Act, 1971; 24 of 1971.

(c) "Committee" means the Delhi Sikh Gurdwara Management Committee established under section 3;

(d) "Delhi" means the Union territory of Delhi;

(*e*) "Director Gurdwara Elections" means the Director Gurdwara Elections appointed by the Central Government under section 13;

(*f*) "Gurdwaras" means the Sikh Gurdwaras situated in Delhi as were, immediately before the appointed day, being managed by or affiliated to the Board and includes such other local Gurdwaras as may, after the appointed day, be affiliated to or managed by the Committee;

(*g*) "Gurdwara property" means,—

(*i*) all movable and immovable property which, immediately before the appointed day, vested or was kept in deposit in the name of the Board;

(*ii*) all property which stands in the name of the Gurdwaras or in the name of the Board or the present or old managers of the historic Gurdwaras;

(*iii*) all offerings in cash or kind made in various Gurdwaras or institutions managed or controlled by the Committee;

(*iv*) all property in cash or kind, movable as well as immovable that may be acquired by purchase, exchange or otherwise by the Gurdwaras, or the Committee, from time to time;

(*v*) all grants, donations or contributions made, from time to time, by any person or authority to the Gurdwaras or the Committee,

and includes any actionable claim with respect to such Gurdwara property;

(*h*) "local Gurdwara" means a Gurdwara in Delhi, other than a Gurdwara under the control or management of the Board immediately before the appointed day;

(i) a person shall not be deemed to be "ordinarily resident" in a ward on the ground only that he owns or is in possession of a dwelling house therein and a person absenting himself temporarily from his place of ordinary residence shall not by reason thereof cease to be ordinarily resident therein;

(*j*) *"patit"* means a Sikh who trims or shaves his beard or hair (*keshas*) or who after taking *Amrit* commits any one or more of the four *Kurahitis*;

(*k*) "registered Singh Sabha" means a Singh Sabha registered as a society under the Societies Registration Act, 1860, which is managing or controlling a local Gurdwara in Delhi; 21 of 1860.

(*l*) "regulation" means a regulation made under this Act by the Committee;

(*m*) "rule" means a rule made under this Act by the Central Government;

(*n*) "Sikh" means a person who professes the Sikh religion, believes and follows the teachings of Sri Guru Granth Sahib and the ten Gurus only and keeps unshorn hair. For the purposes of this Act,

if any question arises as to whether any living person is or is not a Sikh, he shall be deemed respectively to be or not to be a Sikh according as he makes or refuses to make in the manner prescribed by rules the following declaration:—

"I solemnly affirm that I am a *Keshadhari* Sikh, that I believe in and follow the teachings of Sri Guru Granth Sahib and the ten Gurus only, and that I have no other religion.";

(*o*) "*Amritdhari* Sikh" means and includes every Sikh who has taken *Khande ka Amrit* or *Khanda Pahul,* prepared and administered according to the tenets of Sikh religion and rites at the hands of five *Pyaras* or "beloved ones".

PART II

THE COMMITTEE

Incorporation of the Committee.

3. (*1*) With effect from such date as the Central Government may, by notification in the Official Gazette, appoint, there shall be established a Committee to be called the Delhi Sikh Gurdwara Management Committee for the proper management and control of the Gurdwaras and Gurdwara property.

(*2*) The Committee shall be a body corporate with the name aforesaid having perpetual succession and a common seal and shall by such name sue and be sued.

(*3*) The Committee shall have its head office in Delhi.

Composition of the Committee.

4. The Committee shall consist of—

(*a*) forty-six members to be elected from various wards into which Delhi shall be divided in accordance with the provisions of this Act;

(*b*) nine members to be co-opted by the elected members of the Committee referred to in clause (*a*) in the manner hereinafter appearing,—

(*i*) One member being a Sikh woman ordinarily resident in Delhi;

(*ii*) two members to represent the registered Singh Sabhas of Delhi who shall be chosen by drawing of lots out of the Presidents of those registered Singh Sabhas;

(*iii*) four members, each being the priest of the (*1*) Sri Akal Takhat Sahib, Amritsar, (*2*) Sri Takhat Kesgarh Sahib, Anandpur, (*3*) Sri Takhat Patna Sahib, Patna, and (*4*) Sri Takhat Hazur Sahib, Nanded:

Provided that the head priest shall have no right to vote for the purpose of election of office-bearers and other members of the Executive Board under sub-section (*1*) and sub-section (*2*) of section 16;

(*iv*) One member, being the nominee of the Shromani Gurdwara Parbandhak Committee, Amritsar;

(*v*) two members to represent the Sikh community of Delhi, other than those referred to in sub-clause (*i*), sub-clause (*ii*) and sub-clause (*iii*), to be chosen in accordance with the system of proportional representation by means of a single transferable vote.

Term of office.

5. (*1*) Save as otherwise provided in this section, the term of office of a member of the Committee shall be four years and shall commence from the date on which the first meeting of the Committee is held under section 15, and no longer.

(*2*) When a vacancy occurs in the Committee owing to death, resignation, removal or otherwise of a member, a new member shall be elected or co-opted, as the case may be, in the manner in which the member whose seat is to be filled was elected or co-opted and every such member shall continue to hold office so long only as the member in whose place he is elected or co-opted would have been entitled to hold office, if the vacancy had not occurred.

(*3*) An outgoing member shall continue in office until the notification of election or co-option of his successor is published under section 12.

Delimitation of wards.

6. (*1*) For the purpose of election of members of the Committee, Delhi shall be divided into single member wards.

(*2*) The Director Gurdwara Elections shall by order determine—

(*a*) the number of wards; and

(*b*) the extent of each ward.

(*3*) The Director Gurdwara Elections may, from time to time, in consultation with the Committee, alter or amend any order made under sub-section (*2*).

Electoral roll.

7. (*1*) An electoral roll shall be prepared in such manner as may be prescribed by rules for every ward notified under section 6 on which shall be entered the names of all persons entitled to be registered as voters in that ward.

(*2*) No person shall be entitled to be registered in the electoral roll for any ward more than once.

(*3*) No person shall be entitled to be registered in the electoral roll for more than one ward.

Qualifications of elector.

8. Every person who—

(*a*) has been ordinarily resident in a ward for not less than one hundred and eighty days during the qualifying period,

(*b*) is a Sikh of not less than twenty-one years of age on the qualifying date,

shall be entitled to be registered in the electoral roll for that ward:

Provided that no person shall be registered as an elector who—

(*a*) trims or shaves his beard or *keshas*;

(*b*) smokes;

(*c*) takes alcoholic drinks.

Explanation.—For the purpose of this section, the "qualifying date" and the "qualifying period"—

(*i*) in the case of electoral rolls first prepared under this Act, shall be the 1st day of January, 1972, and the period beginning on the 1st day of January, 1971 and ending on the 31st day of December, 1971, respectively; and

(*ii*) in the case of every electoral roll subsequently prepared under this Act, shall be the 1st day of January of the year in which it is prepared and the year immediately preceding that year respectively.

Right to vote.

9. Every person registered on the electoral roll for the time being in force for any ward for the election of a member of the Committee, shall be entitled while so registered to vote at an election of a member for that ward, provided that no person shall be entitled to vote at an election in more than one ward.

Qualifications of member.

10. (*1*) A person shall not be qualified to be chosen or co-opted as a member of the Committee if such person—

(*a*) has not attained the age of twenty-five years;

(*b*) is not a citizen of India;

(*c*) in the case of an elected member, if he is not registered as an elector in the electoral roll for any ward;

(*d*) is not an *Amritdhari* Sikh;

(*e*) being an *Amritdhari* Sikh, trims or shaves his beard or *keshas;*

(*f*) takes alcoholic drinks;

(*g*) smokes;

(*h*) is a *patit;*

(*i*) is of unsound mind and stands so declared by a competent court;

(*j*) is an undischarged insolvent;

(*k*) has been convicted of an offence involving moral turpitude or has been dismissed from service by Government, Board, Committee or any local authority, on account of moral turpitude;

(*l*) is a paid servant of any Gurdwara or a local Gurdwara;

(*m*) not being a blind person cannot read or write *Gurmukhi.*

Explanation.—A person shall be deemed to—

(*i*) be able to read *Gurmukhi* if he is able to recite Sri Guru Granth Sahib, in *Gurmukhi,* and

(*ii*) write *Gurmukhi* if he fills his nomination paper for election to the Committee in *Gurmukhi* in his own handwriting.

If any question arises whether a candidate is or is not able to read and write *Gurmukhi*, the question shall be decided in such manner as may be prescribed by regulations.

(*2*) If a person sits or votes as a member of the Committee when he knows that he is not qualified for such membership, he shall be liable in respect of each day on which he so sits or votes to a penalty of three hundred rupees which shall be recoverable as an arrear of land revenue.

Elections.

11. Election of members under clause (*a*) of section 4 whether for the purpose of initial constitution of the Committee under section 3, or for filling vacancies arising by efflux of time or a casual vacancy, shall be conducted by the Director Gurdwara Elections in accordance with the rules made in this behalf:

Provided that no election shall be held to fill a casual vacancy occurring within four months prior to the holding of a general election under this section.

Publication of results.

12. (*1*) The names of all persons elected as members of the Committee shall, as soon as may be, after such election be published by the Director Gurdwara Elections in the manner prescribed by rules.

(*2*) The names of all persons co-opted as members under clause (*b*) of section 4 shall likewise be published by the Director Gurdwara Elections in the manner prescribed by rules.

Director Gurdwara Elections.

13. (*1*) The Central Government may, by notification in the Official Gazette, appoint a suitable person to be the Director Gurdwara Elections in whom shall vest the superintendence, direction and control of the preparation of electoral rolls for, and the conduct of, elections of members of the Committee.

(*2*) A person shall not be qualified for appointment as Director Gurdwara Elections unless he is a citizen of India and possesses judicial or administrative experience for a period of not less than ten years.

(*3*) Subject to the provisions of section 37, the term of office, and the terms and conditions of service of the Director Gurdwara Elections shall be such as may be prescribed by rules.

First meeting of the elected members.

14. (*1*) The persons to be co-opted as members of the Committee under clause (*b*) of section 4 shall be chosen at the first meeting of the elected members which shall be convened by the Director Gurdwara Elections as early as possible and not later than fifteen days after publication of the results of the election under sub-section (*1*) of section 12.

(*2*) The Director Gurdwara Elections may adjourn the first meeting of the elected members to any other date or dates, being not later than fifteen days from the date of the first meeting aforesaid, if the elected members are unable to choose all persons to be co-opted at that first meeting.

15. (*1*) The Director Gurdwara Elections shall summon the first meeting of the Committee to meet on such date, not being later than fifteen days after the publication of the names of the members co-opted under sub-section (*2*) of section 12, as he thinks fit. First meeting of the Committee.

(*2*) The first meeting shall be held at such time and place as the Director Gurdwara Elections may appoint and shall be presided by him:

Provided that while so presiding at the meeting of the Committee, the Director Gurdwara Elections shall have no right to vote.

(*3*) Every member of the Committee shall, before taking his seat make and subscribe before the Director Gurdwara Elections an oath according to the form set out for the purpose in the Schedule.

(*4*) The members of the Committee shall proceed thereafter to elect from amongst themselves a *pro tempore* Chairman in such manner as may be prescribed by rules, who shall preside at the meeting until the Committee elects the President.

16. (*1*) The Committee shall, at its first meeting after the election of the *pro tempore* Chairman under sub-section (*4*) of section 15, elect from amongst its members a President, who shall conduct the election of other office-bearers and members of the Executive Board under this section. Election of office-bearers.

(*2*) The Committee shall also at its first meeting elect from amongst its members a Senior Vice-President, Junior Vice-President, General Secretary and a Joint Secretary (hereinafter referred to as office-bearers of the Committee), and shall also at the same meeting in like manner elect ten of its members to be members of the Executive Board of the Committee, and the office-bearers and members so elected shall be the Executive Board of the Committee.

(*3*) No person shall be eligible for election as the President or other office-bearer unless he is at least a matriculate or has passed Higher Secondary Examination of any recognised University or Board or is a *Giani* or possesses any other equivalent educational qualification.

(*4*) No member of the Committee shall, at the same time, hold any of the offices referred to in sub-section (*1*) or sub-section (*2*) in more than one capacity.

(*5*) The President and other members of the Executive Board elected under sub-section (*1*) or sub-section (*2*) shall hold office for a term of one year but shall be eligible for re-election for one more term only:

Provided that an outgoing office-bearer or member shall continue in office until election of his successor is held.

(*6*) The election of the President and other office-bearers and members of the Executive Board under sub-section (*1*) or sub-section (*2*) or any subsequent annual election to any of those offices shall be held in such manner as may be prescribed by rules.

(*7*) The provisions of sub-section (*2*) of section 5 shall apply so far as may be to the filling of a casual vacancy in the membership of the

Executive Board as they apply in relation to casual vacancies in the membership of the Committee.

Vacation, resignation and removal of members and office-bearers.

17. (*1*) A member of the Committee may resign his office by writing under his hand addressed to the President.

(*2*) An office-bearer or any other member of the Executive Board—

(*a*) shall vacate his office if he ceases to be a member of the Committee;

(*b*) may at any time by writing under his hand addressed to the Committee resign his office; and

(*c*) may be removed from his office by a resolution of the Committee passed by a three-fourth majority of the total members thereof:

Provided that no resolution for the purpose of clause (c) shall be moved unless it is supported by not less than seventeen members of the Committee and fourteen days' notice has been given of their intention to move the resolution.

(*3*) The resignation of office under sub-section (*1*) or clause (b) of sub-section (*2*) shall be effective from the date from which it is accepted by the Executive Board or the Committee, as the case may be.

Fees and allowances of members.

18. Any office-bearer or other member of the Executive Board or any other member of the Committee may, if he so desires, draw such fees and allowances for attending the meetings of the Executive Board or the Committee and for attending to any other work of the Executive Board or the Committee, as the case may be, as may be prescribed by regulations.

Meetings of the Committee and the Executive Board.

19. (*1*) The annual general meeting of the Committee shall be held in every year.

(*2*) The Executive Board shall meet at least once in every fortnight or at such intervals as may be prescribed by regulations.

(*3*) The President, or in his absence the Senior Vice-President and in the absence of both, the Junior Vice-President, and in the absence of all the three, any other member elected from amongst themselves shall preside at any meeting of the Committee or of the Executive Board.

(4) The Committee or the Executive Board shall observe such rules of procedure in regard to transaction of the business at its meetings as may be prescribed by regulations.

(5) Save as otherwise provided, all questions which come up before any meeting of the Committee or the Executive Board shall be decided by a majority of votes of the members present and voting and in the event of equality of votes, the person presiding shall have a second or casting vote.

(*6*) All proceedings of the meetings of the Committee or the Executive Board shall be recorded in Punjabi in *Gurmukhi* script.

Sub-committees.

20. (*1*) The Executive Board may constitute such number of sub-committees from amongst the members of the Committee as it thinks fit and for such purpose as it may decide.

(*2*) A sub-committee constituted under sub-section (*1*) shall meet at such time and places and shall observe such rules of procedure in regard to the transaction of business at its meetings as may be prescribed by regulations.

(*3*) A member of a sub-committee may, if he so desires, draw such fees and allowances for attending its meetings and for attending to any other work of the sub-committee, as may be prescribed by regulations.

Powers of the Executive Board and its office-bearers.

21. (*1*) The Executive Board shall exercise on behalf of the Committee all powers conferred on the Committee by the provisions of this Act which are not expressly reserved to be exercised by the Committee in general meeting.

(*2*) The President or any other office-bearer of the Executive Board may exercise such powers and perform such duties as may be prescribed by regulations or as may, from time to time, be delegated by the Executive Board.

(*3*) Notwithstanding anything contained in sub-section (*1*) or sub-section (*2*), the President may, on his own motion or otherwise, after calling the record of any case, revise any order passed by any authority to whom such powers have been delegated by the Executive Board and—

(*i*) confirm, modify or set aside the order,

(*ii*) impose any penalty or set aside, reduce, confirm or enhance the penalty imposed upon any employee of the Committee,

(*iii*) remit the case to the authority which made the order or to any other authority directing such further action or inquiry as considered proper in the circumstances of the case, or

(*iv*) pass such other orders as he deems fit.

(*4*) No order passed by the President under sub-section (*3*) shall be enforced unless and until it is confirmed by the Executive Board.

Validity of acts of Committee, Executive Board or sub-committees not to be questioned by reason of vacancy, etc.

22. No act or proceeding of the Committee or the Executive Board or any sub-committee shall be invalidated by reason only of the existence of any vacancy amongst its members or any defect in the constitution thereof.

Officers and other employees of the Committee.

23. (*1*) The Committee may appoint such number of officers and other employees as it considers necessary for the efficient performance of its functions, and may, from time to time, determine the number, designations, grades and scales of pay or other remuneration of the officers and other employees, and may at any time reduce, suspend, remove or dismiss or impose any other penalty on any officer or other employee for carelessness, unfitness, neglect of duty or other misconduct.

(*2*) The officers and other employees appointed under sub-section (*1*) shall exercise such powers and perform such duties as may be prescribed by regulations or as may, from time to time, be delegated by the Committee.

(*3*) The terms and conditions of service of the officers and other employees shall be such as may be prescribed by regulations.

PART III

POWERS AND FUNCTIONS OF THE COMMITTEE

Powers and functions of the Committee.

24. Subject to the provisions of this Act and the rules made thereunder, the control, direction and general superintendence over all the Gurdwaras and Gurdwara property in Delhi shall vest in the Committee, and it shall be the duty of the Committee—

(*i*) to arrange for the proper performance of the religious rites and ceremonies in the Gurdwaras,

(*ii*) to provide facilities for worship by the devotees at the Gurdwaras,

(*iii*) to ensure safe custody of its funds, movable and immovable properties, deposits, offerings in cash or kind,

(*iv*) to do all such things as may be incidental and conducive to the efficient management of the affairs of Gurdwaras, educational and other institutions under the Committee and their properties or to the convenience of devotees,

(*v*) to provide suitable accommodation and facilities for pilgrims,

(*vi*) to maintain free *langars*,

(*vii*) to manage the historic and other Gurdwaras, educational and other institutions and their properties in such a way as to make them inspiring centres of the Sikh tradition, culture and religion,

(*viii*) to ensure maintenance of order, discipline and proper hygienic conditions in Gurdwaras, educational and other institutions under its management,

(*ix*) to open free dispensaries,

(*x*) to spread education, especially the knowledge of *Punjabi*, in *Gurmukhi* script,

(*xi*) to establish educational institutions, research centres and libraries,

(*xii*) to render financial assistance to religious and educational institutions, societies and needy persons,

(*xiii*) to give stipends to needy and deserving students,

(*xiv*) to render help in the case of the uplift of the Sikh community and propagation of Sikh religon,

(*xv*) to perform such other functions and to do such religious or charitable acts, as may be prescribed by regulations for carrying out the purposes of this Act.

PART IV

GURDWARA FUND, ACCOUNTS AND AUDIT

Gurdwara Fund.

25. (*1*) There shall be a Gurdwara Fund and all receipts and income of the Gurdwaras and of the Gurdwara property (including all amounts comprised for the time being in Gurdwara property) shall be credited thereto.

(*2*) The Gurdwara Fund shall be held by the Committee in trust for the purposes of this Act subject to the provisions herein contained and shall not be utilised for any purpose other than the one authorised by this Act or the rules or regulations made thereunder.

(*3*) All expenses incurred or payments or disbursements to be made, by the Committee in the discharge of its functions under this Act shall be made from the Gurdwara Fund.

Prohibition regarding making of contributions for political purposes.

26. Nothing contained in this Act shall, or shall be deemed to, authorise the Committee to contribute any amount or amounts—

(*a*) to any political party, or

(*b*) for the benefit of any political party, or

(*c*) for any political purpose to any individual or body.

Budget.

27. (*1*) In respect of every financial year, budget (annual financial statement) of the estimated receipts and expenditure of the Committee for the year shall be placed before the Committee and duly passed.

(*2*) No moneys out of the Gurdwara Fund shall be appropriated except as passed and approved by the Committee.

Maintenance of accounts.

28. (*1*) The Committee shall maintain proper accounts showing receipts on account of and expenditure out of Gurdwara Fund.

(*2*) At the end of each calendar month, a statement of income and expenditure relating to that month shall be prepared and placed before the Committee and it shall be pasted at prominent places outside all Gurdwaras; and a consolidated annual statement, showing income and expenditure relating to a financial year shall likewise be prepared and placed before the Committee and outside the Gurdwaras at the end of each financial year.

Audit of accounts.

29. (*1*) The accounts of the Committee including those of the Gurdwaras, and Gurdwara property including educational and other charitable institutions administered by the Committee, shall be audited by one or more auditors duly qualified to act as auditor under sub-section (*1*) of section 226 of the Companies Act, 1956 (hereinafter referred to as the auditor), who shall be appointed by the Committee within sixty days of the

1 of 1956.

close of every financial year and shall receive such remuneration as the Committee may fix:

Provided that the first appointment of auditors shall be made by the Committee within sixty days from the date of its first meeting held under section 15.

(2) For the purpose of any such audit and examination of accounts the auditors may, by a demand in writing, require from the Committee or any office-bearer or member or employee of the Committee or any Gurdwara, educational or other institution of the Committee, the production before him of all books, deeds, vouchers and all other documents and papers which he deems necessary, and may require any person holding or accountable for any such books, deeds, vouchers, documents and papers to appear before him at any audit and examination, to answer all questions which may be put to him with respect to the same or to prepare and submit any further statement which such auditor may consider necessary.

(3) Within thirty days after the audit and examination have been completed, the auditor shall submit a report to the Committee upon each account audited and examined.

(4) The audit report shall be published in, at least, two daily papers of Delhi (one in English and one in Punjabi) as well as in Gurdwara Journal, if any, within thirty days of its receipt.

(5) The report of the auditor shall, among other matters, specify all items of expenditure which in his opinion are illegal, irregular or improper, all cases of failure of recoveries of money or property due to the Committee, all instances of loss or wasteful expenditure of money or property due to negligence or misconduct and all instances in which any money or property has been devoted to any purpose not authorised by this Act.

Consideration of the auditor's report by the Committee.

30. The Committee, in meeting next following the date of receipt of the auditor's report, shall consider such report and satisfy itself that no expenditure shown therein has been incurred otherwise than in accordance with the provisions of this Act and shall pass such orders as are, in its opinion, necessary and proper to rectify the illegal, unauthorised or improper expenditure and may also pass such further orders upon the report, as it may deem proper:

Provided that if the next meeting falls on a day earlier than two months after the receipt of the report it may be considered in the meeting next following which shall be convened before the expiry of a period of three months from the date of receipt of the said report.

PART V

SETTLEMENT OF ELECTIONS AND OTHER DISPUTES

Election disputes, electoral offences, etc.

31. The provisions of sections 15, 16, 17, 18, 19, 20, 22, 23, 24, 25, 27, 28, 29 and 30 of the Delhi Municipal Corporation Act, 1957, shall *mutatis mutandis* apply, subject to such modifications as the Central Government may by order direct, in relation to settlement of disputes regarding elections, corrupt practices and electoral offences in respect of election or co-option of members of the Committee. 66 of 1957.

Jurisdiction of District Court in other matters.

32. The Court of the District Judge in Delhi shall also have jurisdiction in respect of the following matters, namely:—

(*a*) Any petition involving a question or dispute wherein any living person is a Sikh or is not a Sikh for the purpose of registration as a voter or contesting election as member or co-option as member of the Committee.

(*b*) Any petition involving a question whether for the purpose of election as member of the Committee a person is qualified or disqualified.

(*c*) Petitions regarding complaints, irregularities, breach of trust, mismanagement in any Gurdwara, educational or other institutions against any member, office-bearer or officer or other employee of the Committee.

(*d*) Petitions arising out of any type of disputes between the Committee and its employees including past employees.

(*e*) Applications regarding failure of publication of, or non-implementation or non-clearance of the objections raised in, any annual report of the auditors of the Committee.

Appeals.

33. (*1*) Any person aggrieved by an order passed by the District Judge may, within sixty days of the order, prefer an appeal to the High Court at Delhi and the orders of the High Court on such appeal shall be final and conclusive.

36 of 1963.

(*2*) The provisions of sections 5 and 12 of the Limitation Act, 1963, shall, so far as may be, apply to appeals under this section.

PART VI

MISCELLANEOUS

Procedure for affiliation of local Gurdwaras.

34. (*1*) A registered Singh Sabha may, in relation to any local Gurdwara under its control, decide by a resolution adopted by three-fourth majority of its total membership for affiliating that local Gurdwara to the Committee and if the Committee consents thereto, the said local Gurdwara shall be deemed to be affiliated to the Committee.

(*2*) All assets and liabilities of the local Gurdwara so affiliated and of the registered Singh Sabha shall thereafter vest in the Committee.

Act not to affect rites and practices of Sikh religion.

35. Nothing contained in this Act or any other law for the time being in force shall—

(*a*) save as otherwise expressly provided in this Act or the rules or regulations made thereunder, affect any honour, emolument or perquisite to which any person is entitled by custom or otherwise in any Gurdwara;

(*b*) authorise any interference with the religious or spiritual functions performed in any Gurdwara.

Members, officers and other employees to be public servants.

36. Every member of the Committee, the Executive Board, or any sub-committee, the Director Gurdwara Elections and every other officer and employee of the Committee shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code.

45 of 1860.

Salary, etc., of the Director Gurdwara Elections to be defrayed out of the Consolidated Fund of India in the first instance.

37. (1) The salaries and allowances payable to the Director Gurdwara Elections or to the officers and other employees engaged for the conduct of elections to the Committee, shall be defrayed out of the Consolidated Fund of India in the first instance, but shall be recoverable from the Committee by debit to the Gurdwara Fund after the close of each financial year.

(2) Any sum due to the Central Government under sub-section (1) shall, if not paid within three months after the demand has been made, be recoverable as arrears of land revenue.

Protection of action taken.

38. No suit, prosecution or other legal proceedings shall lie against any member of the Committee, the Executive Board or any Sub-Committee, the Director Gurdwara Elections or any other officer or employee of the Committee for anything which is in good faith done or intended to be done under this Act or any rule or regulation made thereunder.

Power to make rules.

39. (1) The Central Government may, by notification in the Official Gazette, make rules to carry out the purposes of this Act.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for or regulate all or any of the following matters, namely:—

(a) the manner in which a declaration for the purpose of clause (n) of section 2 shall be made;

(b) the particulars to be entered in the electoral rolls;

(c) the preliminary publication of electoral rolls;

(d) the manner in which and the time within which claims and objections as to entries in electoral rolls may be preferred;

(e) the manner in which notices of claims or objections shall be published;

(f) the place, date and time at which claims or objections shall be heard and the manner in which claims or objections shall be heard and disposed of;

(g) the final publication of electoral rolls;

(h) the revision and correction of electoral rolls and inclusion of names therein;

(i) the appointment of returning officers, assistant returning officers, presiding officers and polling officers for the conduct of elections;

(j) the nomination of candidates, form of nomination papers, objections to nominations and scrutiny of nominations;

(k) the deposits to be made by candidates, time and manner of making such deposits and the circumstances under which such deposits may be refunded to candidates or forfeited to the Committee;

(*l*) the withdrawal of candidatures;

(*m*) the appointment of agents of candidates;

(*n*) the procedure in contested and uncontested elections;

(*o*) the date, time and place for poll and other matters relating to the conduct of elections including—

(*i*) the appointment of polling stations for each ward,

(*ii*) the hours during which the polling station shall be kept open for the casting of votes,

(*iii*) the printing and issue of ballot papers,

(*iv*) the checking of voters by reference to the electoral roll,

(*v*) the marking with indelible ink of the left forefinger or any other finger or limb of the voter and prohibition of the delivery of any ballot paper to any person if at the time such person applies for such paper he has already such mark so as to prevent personation of voters,

(*vi*) the manner in which votes are to be given and in particular in the case of illiterate voters or of voters under physical or other disability,

(*vii*) the procedure to be followed in respect of challenging votes and tendered votes,

(*viii*) the scrutiny of votes, counting of votes, the declaration of the results and the procedure in case of equality of votes or in the event of a member being elected to represent more than one ward,

(*ix*) the custody and disposal of papers relating to elections,

(*x*) the suspension of polls in case of any interruption by riot, violence or any other sufficient cause and the holding of a fresh poll,

(*xi*) the holding of a fresh poll in the case of destruction of, or tampering with, ballot boxes before the count,

(*xii*) the countermanding of the poll in the case of the death of a candidate before the poll;

(p) the fee to be paid on an election petition;

(q) the terms and conditions of service of the Director Gurdwara Elections;

(*r*) the procedure for the election of *pro tempore* Chairman under sub-section (4) of section 15, and of the President and other office-bearers and members of the Executive Board under section 16;

(*s*) any other matter in respect of which the Central Government deems it necessary to make rules under this section or in respect of which this Act makes no provision or makes insufficient provision and provision is, in the opinion of the Central Government, necessary;

(*t*) the manner in which results of election or co-option of members of the Committee shall be published, or the orders made under the rules shall be widely made known by affixing copies thereof in conspicuous public places, by publishing the same by beat of drum or by advertisement in local newspapers.

(*3*) In making any rule under this section the Central Government may provide that any contravention thereof shall be punishable with imprisonment for a term which may extend to six months or with fine or with both.

(*4*) All rules made under this section shall be laid, as soon as may be, after they are made, before each House of Parliament while it is in session for a total period of thirty days, which may be comprised in one session or in two successive sessions, and if before the expiry of the session in which they are so laid or the session immediately following, both Houses agree in making any modification in the rules or both Houses agree that the rules should not be made, the rules shall thereafter have effect only in such modified form or be of no effect, as the case may be; so however that any such modification or annulment shall be without prejudice to the validity of anything previously done under those rules.

Power of Committee to make regulations.

40. (*1*) The Committee may make regulations not inconsistant with the provisions of this Act or the rules made thereunder for carrying out its functions under this Act.

(*2*) In particular, and without prejudice to the generality of the foregoing powers, such regulations may provide for all or any of the following matters, namely:—

(*a*) the manner and the criterion for deciding whether a candidate for election as member of the Committee is able to read and write *Gurmukhi;*

(*b*) fees and allowances to which office-bearers and other members of the Executive Board or other members of the Committee or of a sub-committee shall be entitled for attending meetings or any other work of the Executive Board, Committee or sub-committee respectively;

(*c*) the periods of interval at which meetings of the Executive Board shall be held, the manner in which meetings of the Committee or the Executive Board or any sub-committee shall be convened, the quorum for the transaction of business thereat and the rules of procedure to be followed for transaction of business at meetings of the Committee, the Executive Board or any sub-committee;

(*d*) the manner in which a majority decision of the Executive Board shall be obtained by circulation to its office-bearers and members of any matter requiring decision;

(*e*) the matters in respect of which powers may be exercised or duties performed by the President or other office-bearers of the Executive Board or by any officer or other employee of the Committee

(*f*) the terms and conditions of service of officers and other employees of the Committee including recruitment, transfer, fixation of seniority, promotion of, and disciplinary action or punishment against, such officers and other employees;

(*g*) any other functions or religious or charitable acts which, in addition to those specified in section 24, may be performed or done by the Committee, and the conditions and restrictions subject to which those functions or acts shall be performed or done;

(*h*) the manner in which cash or other moneys of the Gurdwara Fund shall be deposited or invested;

(*i*) the form in which the budget of the Committee shall be presented;

(*j*) the form in which the accounts of the Committee shall be maintained and the publication of such accounts;

(*k*) the manner in which any regulations or orders made thereunder shall be published or widely made known by affixing copies thereof in conspicuous public places, by publishing the same by beat of drum or by advertisement in local newspapers;

(*l*) any other matter which has to be, or may be, prescribed.

Repeal and Saving.

41. (*1*) As from the date of the establishment of the Committee, the Delhi Sikh Gurdwaras (Management) Act, 1971, shall stand repealed.

24 of 1971.

(2) Notwithstanding such repeal,—

(*a*) any appointment, notification, order or rule made or issued under the said Act shall, in so far as it is not inconsistent with the provisions of this Act, continue in force and be deemed to have been made or issued under the provisions of this Act unless and until it is superseded by any appointment, notification, order or rule made or issued under the said provisions;

(*b*) all budget estimates made, all obligations and liabilities incurred, all contracts entered into and all matters and things engaged to be done by, with or for the Delhi Sikh Gurdwara Board shall be deemed to have been made, incurred, entered into or engaged to be done by, with or for the Committee under the provisions of this Act;

(*c*) all Gurdwara property, movable and immovable and all interests of whatsoever nature and kind therein vested in, belonging or due to, the Delhi Sikh Gurdwara Board, immediately before such establishment, shall with all rights, powers and privileges of whatsoever desecription, used, enjoyed or possessed by the Board, vest in the Committee;

(*d*) all sums of money including rents due to the Board immediately before such establishment shall be deemed to be due to the Committee;

(*e*) all suits and other legal proceedings instituted or which might have been instituted by or against the Delhi Sikh Gurdwara Board may be continued or instituted by or against the Committee;

(*f*) any will deed or other instrument which contains any bequest, gifts or trusts in favour of the Board shall as from such establishment, be construed as if the Committee were therein named instead of the said Board.

THE SCHEDULE

[*See* section 5(3)]

FORM OF OATH

I, AB, having been elected (or co-opted) a member of the Delhi Sikh Gurdwara Management Committee do swear in the presence of Sri Guru Granth Sahib that I will faithfully, honestly and conscientiously discharge the duty upon which I am about to enter in the best interest of the Sikh religion.

STATEMENT OF OBJECTS AND REASONS

During the course of discussion on Delhi Sikh Gurdwaras (Management) Bill, 1971, Parliament was assured that it was a temporary measure and that as early as may be practically feasible, another measure would be brought forward enabling the Sikh community to have elected representatives for the management of the affairs of the Gurdwaras. The present Bill seeks to achieve that objective.

2. The Delhi Sikh Gurdwara Board, after considering various suggestions and proposals, after consulting the Confederation of the registered Singh Sabhas and after discussing with the leaders of the Sikh community, has made proposals in this behalf. These proposals together with the recommendations of the Metropolitan Council and the views of the Executive Council have been taken into consideration.

3. The main features of the Bill are:—

(i) The Gurdwaras at present managed by the Board and such others as may be affiliated later on, will be managed by the Delhi Sikh Gurdwara Management Committee of 55 members, 46 of which will be elected and 9 will be co-opted by the elected memebrs. The life of the Committee will be 4 years.

(ii) An Executive Board consisting of 15 members will be elected by the Management Committee. This Executive Board will be elected every year.

(iii) Elections will be conducted by the Director Gurdwara Elections to be appointed by the Government.

(iv) The District Judge in Delhi will be invested with special powers to deal with questions relating to election disputes, qualifications of members, complaints in respect of misfeasance, etc.

NEW DELHI;
The 20th December, 1971.

H. R. GOKHALE,

FINANCIAL MEMORANDUM

It is proposed that matters relating to elections, qualifications of members, complaints and irregularities, disputes between the Committee and its employees and implementation of auditor's report, etc., in respect of the Delhi Sikh Gurdwara Management Committee should be dealt with by the District Judge or an Additional District Judge. It is felt that it should not be difficult for the District Judge or an Additional District Judge in Delhi to deal with this work in addition to his normal work. However, the likelihood of increase in work or need of some extra staff cannot be ruled out. It is, therefore, not possible to estimate the quantum of extra staff required at this stage, but the extra expenditure is expected to be negligible. There will be no non-recurring expenditure.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 39 of the Delhi Sikh Gurdwaras Bill, 1971 employers the Central Government to make rules for carrying out the purposes of the proposed legislation. The various matters in respect of which the rules may be so made relate to the manner in which a declaration for the purpose of clause (n) of section 2 is to be made, the manner in which the electoral rolls are to be prepared for every ward, the terms and conditions of service of the Director Gurdwara Elections and the procedure for the election of the *pro tempore* Chairman, the President, office-bearers and other members of the Executive Board. Power has also been taken to make rules for conduct of elections of memebrs of the Delhi Sikh Gurdwaras Management Committee. Similarly clause 40 of the Bill seeks to empower the Committee to frame regulations for regulating various procedural matters specified in sub-clauses (a) to (1) of the said clause.

The various matters for which the rules or regulations may be made are all matters of detail, procedure and day to day working of the Committee and the Executive Board. The delegation of executive power is of a normal character.

BILL No. 179 OF 1971

A Bill further to amend the Constitution of India.

BE it enacted by Parliament in the Twenty-second Year of the Republic of India as follows:—

Short title.

1. This Act may be called the Constitution (Twenty-eighth Amendment) Act, 1971.

Amendment of article 352.

2. In article 352 of the Constitution,—

(*a*) in clause (1), after the words "make a declaration to that effect", the following shall be inserted, namely:—

"in respect of the whole of India or of such part of the territory thereof as may be specified in the Proclamation";

(*b*) in clause (2), in sub-clause (*a*), after the word "revoked", the words "or varied" shall be inserted;

(*c*) after clause (2), the following clause shall be inserted, namely:—

"(2A) Where a Proclamation issued under clause (1) is varied by a subsequent Proclamation, the provisions of clause (2) shall, so far as may be, apply in relation to such subsequent Proclamation

as they apply in relation to a Proclamation issued under clause (1).".

Amendment of article 353.

3. To article 353 of the Constitution, the following proviso shall be added, namely:—

"Provided that where a Proclamation of Emergency is in operation only in any part of the territory of India,—

(*i*) the executive power of the Union to give directions under clause (*a*), and

(*ii*) the power of Parliament to make laws under clause (*b*),

shall also extend to any State other than a State in which or in any part of which the Proclamation of Emergency is in operation if and in so far as the security of India or any part of the territory thereof is threatened by activities in or in relation to the part of the territory of India in which the Proclamation of Emergency is in operation.".

Amendment of article 358.

4. To article 358 of the Constitution, the following proviso shall be added, namely:—

"Provided that where a Proclamation of Emergency is in operation only in any part of the territory of India, any such law may be made, or any such executive action may be taken, under this article in relation to or in any State or Union territory specified in the First Schedule in which or in any part of which the Proclamation of Emergency is not in operation, if and in so far as the security of India or any part of the territory thereof is threatened by activities in or in relation to the part of the territory of India in which the Proclamation of Emergency is in operation.".

Amendment of article 359.

5. In article 359 of the Constitution, to clause (2), the following proviso shall be added, namely:—

"Provided that where a Proclamation of Emergency is in operation only in a part of the territory of India, any such order shall not extend to any other part of the territory of India unless the President, being satisfied that the security of India or any part of the territory thereof is threatened by activities in or in relation to the part of the territory of India in which the Proclamation of Emergency is in operation, considers such extension to be necessary.".

STATEMENT OF OBJECTS AND REASONS

Article 352 provides that if the President is satisfied that a grave emergency exists whereby the security of India or any part of the territory thereof is threatened whether by war or external aggression or internal disturbance, he may, by Proclamation, make a declaration to that effect. Doubts have been expressed whether such a Proclamation of Emergency can be made in respect only of any part of the territory of India, without necessarily bringing the country as a whole under its scope. In view of the constitutional effects of a Proclamation of Emergency contained in provisions of articles 353, 354, 358 and 359, it is necessary to amend the provisions of article 352 to clarify that the President may, if he is satisfied, make a declaration of emergency restricted in scope to such part of the territory of India as may be specified in the Proclamation.

2. Consequential amendments are also necessary to articles 353, 358 and 359.

NEW DELHI;
The 20th December, 1971.

K. C. PANT.

BILL No. 177 OF 1971

A Bill to provide for the setting up of a Council for the north-eastern areas of India to be called the North-Eastern Council and for matters connected therewith.

BE it enacted by Parliament in the Twenty-second Year of the Republic of India as follows:—

Short title and commencement.

1. (*1*) This Act may be called the North-Eastern Council Act, 1971.

(*2*) It shall come into force on such date, being a date not earlier than the day appointed under clause (*b*) of section 2 of the North-Eastern Areas (Reorganisation) Act, 1971, as the Central Government may, by notification in the Official Gazette, appoint.

Definitions.

2. In this Act, unless the context otherwise requires,—

(*a*) "Council" means the North-Eastern Council set up under section 3;

(*b*) "north-eastern area" means the area comprising the States of Assam, Manipur, Meghalaya, Nagaland and Tripura and the Union territories of Arunachal Pradesh and Mizoram; and

(c) "State" includes the Union territories of Arunachal Pradesh and Mizoram.

Setting up and composition of the North-Eastern Council.

3. (*1*) There shall be a Council to be called the North-Eastern Council which shall consist of the following members, namely:—

(*a*) the person or persons for the time being holding the office of the Governor of the States or the office of Administrator of the Union territories in the north-eastern area;

(*b*) the Chief Ministers of the States of Assam, Manipur, Meghalaya, Nagaland and Tripura and of the Union territory of Mizoram; and

(c) one of the Counsellors to the Administrator of the Union territory of Arunachal Pradesh appointed under section 18 of the North-East Frontier Agency (Admini tration) Supplementary Regulation, 1971, to be nominated by the Administrator:

Provided that if there is no Council of Ministers in any State referred to in clause (*b*) or in the Union territory referred to in that clause, the President may nominate not more than one person to represent such State or Union territory in the Council for so long as there is no Council of Ministers in such State or Union territory.

(*2*) Notwithstanding anything contained in sub-section (*1*), the President may, if he deems it necessary so to do, nominate a Union Minister to be a member of the Council.

(*3*) One of the members of the Council to be nominated by the President shall be the Chairman of the Council.

(*4*) The President may, if he deems it necessary so to do, nominate another member of the Council to act as Vice-Chairman of the Council.

Functions of the Council.

4. (*1*) The Council shall be an advisory body and may discuss any matter in which some or all of the States represented in that Council, or the Union and one or more of the States represented in that Council, have a common interest and advise the Central Government and the Government of each State concerned as to the action to be taken on any such matter, and, in particular, may discuss and make recommendations with regard to,—

(*i*) any matter of common interest in the field of economic and social planning.

(*ii*) any matter concerning inter-State transport and communications;

(*iii*) any matter relating to power or flood control projects of common interest.

(*2*) For securing the balanced development of the north-eastern area, the Council shall forward proposals,—

(*a*) formulating for the States represented in the Council a unified and co-ordinated regional plan (which will be in addition to the State Plan) in regard to matters of common importance to that area;

(*b*) regarding the priorities of the projects and schemes included in the regional plan and the stages in which the regional plan may be implemented; and

(*c*) regarding the location of the projects and schemes included in the regional plan,

to the Central Government for its consideration.

(*3*) The Council shall—

(*a*) review, from time to time, the implementation of the projects and schemes included in the regional plan and recommend measures for effecting co-ordination among the Governments of the States concerned in the matter of implementation of such projects and schemes;

(*b*) where a project or scheme is intended to benefit two or more States, recommend the manner in which,—

(*i*) such project or scheme may be executed or implemented and managed or maintained; or

(*ii*) the benefits therefrom may be shared; or

(*iii*) the expenditure thereon may be incurred;

(*c*) on a review of progress of the expenditure, recommend to the Central Government the quantum of financial assistance to be given, from time to time, to the State or States entrusted with the execution or implementation of any project or scheme included in the regional plan;

(*d*) recommend to the Government of the State concerned or to the Central Government the undertaking of necessary surveys and investigation of projects in any State represented in the Council to facilitate consideration of the feasibility of including new projects in the regional plan.

(*4*) The Council shall review from time to time the measures taken by the States represented in the Council for the maintenance of security and public order therein and recommend to the Governments of the States concerned further measures necessary in this regard.

Meetings of the Council.

5. (*1*) The Council shall meet at such times as the Chairman of the Council may appoint in this behalf and shall, subject to the other provisions of this section, observe such rules of procedure in regard to transaction of business at its meetings as it may lay down from time to time.

(*2*) The Chairman or in his absence the Vice-Chairman, if any, or in the absence of both the Chairman and the Vice-Chairman, any other member chosen by the members present from amongst themselves, shall preside at a meeting of the Council.

(*3*) The proceedings of every meeting of the Council shall be forwarded to the Central Government and also to the Government of each State represented on the Council.

Nomination of certain officers to attend the meetings of the Council.

6. In order to assist the Council in the discharge of its functions, each of the Ministries of the Central Government dealing with matters relating to Defence, Finance, Home Affairs and Planning shall nominate an officer to attend the meetings of the Council.

Officers and staff of the Council.

7. (*1*) The Council shall have a secretarial staff consisting of a Secretary, a Planning Adviser, a Financial Adviser and a Security Adviser and such other officers and employees as the Central Government may, by order, determine.

(2) The secretarial staff of the Council shall function under the direction, supervision and control of the Chairman of the Council.

(3) The office of the Council shall be located at such place as may be determined by the Council.

(4) The administrative expenses of the said office, including the salaries and allowances payable to, or in respect of, members of the secretarial staff of the Council, shall be borne by the Central Government out of the moneys provided by Parliament for the purpose.

Repeal.

8. The North-Eastern Council Act, 1970 is hereby repealed. 26 of 1970.

STATEMENT OF OBJECTS AND REASONS

The North-Eastern Council Act, 1970 had provided for the establishment of a Council to be called the North-Eastern Council, to identify plan schemes of the States in the north-eastern areas as were of common importance to those areas, review the implementation of such schemes and recommend measures for effecting co-ordination. The Act also envisaged a Co-ordination Committee of the Council to review measures taken by the States represented on the Council for the maintenance of security and public order and recommend further measures necessary in this regard. Consequent on the proposed reorganisation of the north-eastern areas into five States and two Union territories, it is considered necessary to restructure the arrangements contemplated in that Act. It is proposed that, apart from the development plans of individual States and Union territories, for securing the balanced development of these areas, there should be a separate regional plan for all the north-eastern areas. It is also proposed that the Council which will formulate the regional plan and keep a close watch on the implementation of the plan should be a small compact body and should also attend to the functions envisaged for the Co-ordination Committee in the 1970 Act. The Bill seeks to achieve these objects and to repeal the Act of 1970.

NEW DELHI;
The 20th December, 1971.

K. C. PANT

FINANCIAL MEMORANDUM

Clause 7 of the Bill provides for a secretarial staff for the North-Eastern Council consisting of a Secretary, Planning Adviser, a Financial Adviser, a Security Adviser and other officers and employees as the Central Government may determine. Under sub-clause (4) of this clause, the expenses of the Secretariat of the Council shall be borne by the Central Government out of monies provided by Parliament for the purpose. The size of the secretariat will have to be determined in the light of experience and the actual needs. Appointment of officers referred to in sub-clause (4) and the subordinate staff as at present envisaged will involve approximately a recurring expenditure of Rs. 3,90,000 per annum and non-recurring expenditure of Rs. 57,000 on account of purchase of furniture, staff car, office equipment, etc.

2. Clause 6 of the Bill provides for officers of the Ministries of Defence, Finance, Home Affairs and Planning attending the meetings of the Council. An estimated expenditure of about Rs. 16,000 per annum is likely to be involved on account of the travelling allowance of these officers.

3. According to sub-clause (3) (c) of clause 4 of the Bill the Council has to recommend to the Central Government the quantum of financial assistance to be given from time to time to the States concerned. The magnitude and nature of such assistance will depend on the size of the regional plan as may be approved by the Central Government from time to time. At this stage it is not possible to estimate the expenditure likely to be involved on account of such assistance and the monies which Parliament may provide for the purpose from time to time.

S. L. SHAKDHER,
Secretary.

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